

EXHIBIT L

MURRAY, Sean

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Sent: Friday, June 14, 2024 10:41 AM
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Subject: RE: In re Google Digital Advertising Antitrust Litigation, No. 21-md-3010 (PKC) (S.D.N.Y.)

Sean –

Following up on our call with your colleagues earlier this morning, MDL Plaintiffs have considered Google's proposal that Plaintiffs withdraw the fact RFAs propounded in their respective actions and serve a single set of only 40 fact RFAs. Because that proposal is not proportional to the needs of the case, Plaintiffs must reject it.

Fact RFAs are a reasonable and proportional means of paring down the issues for proof in a case of this magnitude. RFAs under Rule 36(a)(1)(A) will reduce trial time and narrow the issues in dispute as described in the Advisory Committee Notes to the Rule. See Fed. R. Civ. P. 36 advisory committee's note to 1970 amendment ("Rule 36 serves two vital purposes, both of which are designed to reduce trial time. Admissions are sought, first to facilitate proof with respect to issues that cannot be eliminated from the case, and secondly, to narrow the issues by eliminating those that can be."); *Holiday Inns Inc. v. Aetna Ins. Co.*, 571 F. Supp. 1460, 1468 n. 10 (S.D.N.Y. 1983) (Haight, J.) ("Though Rule 36 has not been resorted to as much as some of the other discovery rules, it is a valuable time saver when properly used."); see *River Light V, L.P. v. Lin & J Int'l, Inc.*, 299 F.R.D. 61, 63 (S.D.N.Y. 2014) (Cote, J.) ("Rule 36 promotes 'truth-seeking in litigation and efficiency in dispensing justice'"); 2 Moore's Federal Practice and Procedure § 15.28 ("Requests for admission can save litigants considerable time and

expense by avoiding the necessity to prove facts at trial, or to establish certain facts through more complex and costly discovery procedures”); Richard L. Marcus, 8B Federal Practice & Procedure § 2252 (3d ed. April 2023).

Plaintiffs are willing to meet and confer further about this issue to the extent that Google believes it would be fruitful.

Thank you.

Izaak

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(he/him)

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Subject: In re Google Digital Advertising Antitrust Litigation, No. 21-md-3010 (PKC) (S.D.N.Y.)

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Discovery Steering Committee:

We are currently in receipt of 452 non-authentication Requests for Admission propounded by several plaintiffs in this MDL between May 18 and May 29. This type of voluminous, late-stage written discovery is disproportionate to the needs of the case, particularly given the broad discovery that Google has already produced and as discovery that has not even been contemplated by the Court in its pre-trial orders.

Google intends to object to these RFAs. We are willing to meet and confer.

Kind regards,

Sean

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